

1 **SAMPSON & ASSOCIATES**
2 Bryan D. Sampson, Esq. (State Bar No. 143143)
2 2139 First Avenue
3 San Diego, California 92101
3 (619) 557-9420/Fax 557-9425
4 Attorneys for Secured Creditor PROULX

CC JUN 10 AM 2:07

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF CALIFORNIA**

10 In re: } BANKRUPTCY CASE NO: 99-33191-B7
11 SARA NEWSOME BURNS, } INDEX OF EXHIBITS IN SUPPORT OF
12 } OPPOSITION TO DEBTOR'S OBJECTION
13 Debtor. } AND MOTION TO AVOID JUDICIAL LIEN
14 } PURSUANT TO 11 U.S.C. §523(f)
15 } DATE: 1/31/00
16 } TIME: 10:30 a.m.
17 } CTRM: 4
18 } JUDGE: Peter W. Bowie

16	EXHIBIT #	DESCRIPTION
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- | | | |
|----|-----|---|
| 17 | "1" | State Court Judgment |
| 18 | "2" | Abstract of Judgment and Secretary of State Liens |
| 19 | "3" | Notice of Levy |
| 20 | "4" | Turnover Order for Qui Tam Monies |
| 21 | "5" | Debtor BURNS' Chapter 13 petition, filed 1-25-99 |
| 22 | "6" | Order to Dismiss Chapter 13 Action |
| 23 | "7" | Bankruptcy Court Order denying Debtor BURNS' Motion for Stay |
| 24 | "8" | 9 th Circuit Order denying of Debtor BURNS' request for Stay |
| 25 | "9" | Notice of Filing of Appeal |

26 | DATED:

SAMPSON & ASSOCIATES

By:

**Bryan D. Sampson
Attorney for Secured Creditor/Plaintiff
BRADLEY PROULX**

EXHIBIT "1"

1
2 E FILED
3 KENNETH E. MARTONE
4 Clerk of the Superior Court
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OCT 30 1998
MC&P

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SAN DIEGO

10 BRADLEY PROULX,
11 Plaintiff,
12 v.
13 SARA NEWSOME BURNS,
14 Defendant.

) CASE NO. 711064

) JUDGMENT

The foregoing instrument is a full, true and correct
copy of the original on file in this office.

Attest: JAN 13 1999

KENNETH E. MARTONE
Clerk of the Superior Court of the State of California,
In and for the County of San Diego.

By Mary E. Martone Deputy

This cause came on for hearing on June 15, 1998, in
Department M-25 of the above-entitled court, the Honorable
Timothy W. Tower, Judge, presiding. Plaintiff appeared by his
attorney T. Michael Reed, and defendant appeared by her
attorneys David Tiffany and Randy Grossman.

Jury was waived. Witnesses on the part of both plaintiffs
and defendants were sworn and examined. After hearing the
evidence and the arguments of counsel, the court subsequently
rendered a Statement of Decision as follows: See Statement of
Decision attached as Exhibit 1.

WHEREFORE, by virtue of law, and by reason of the premises
aforesaid, it is ordered, adjudged, and decreed that plaintiff

1 BRADLEY PROULX has and recovers from defendant the sums as
2 follows:

3 One-third of \$580,000.00 or \$193,333.33 to be paid pro rata
4 as the government pays defendant, plus \$22,267.50 together with
5 interest thereon from July 29, 1991 to the present at the rate
6 of 10% per annum, without compounding, in the amount of
7 \$15,861.78.

8 Interest, costs and disbursements are to be determined.

9 WITNESS, the Honorable Timothy W. Tower, Judge of this
10 Court, and my hand and seal of this Court, this 30th day of
11 October, 1998.

12
13 
14 HONORABLE TIMOTHY W. TOWER
15 Sitting as Judge of the Superior
Court

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17 Approved as to form:

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19 Attorneys for Defendant
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EXHIBIT "2"

PLEASE COMPLETE THIS INFORMATION

RECORDING REQUESTED BY:

T. Michael Reed 209
Casey, Gerry Reed & Schenk
AND WHEN RECORDED MAIL TO:
CASEY GERRY REED & SCHENK
110 LAUREL ST.
San Diego, CA
92101

545

DOC # 1998-0725547

NOV 06, 1998 12:15 PM

OFFICIAL RECORDS
SAN DIEGO COUNTY RECORDER'S OFFICE
GREGORY J. SMITH, COUNTY RECORDER
FEES: 13.50
NOTICES: 1

THIS SPACE FOR RI



1998-0725547

Abstract of Judgment

(Please fill in document title(s) on the this line)

THIS PAGE ADDED TO PROVIDE ADEQUATE SPACE FOR RECORDING INFORMATION
(Additional recording fee applies)

ATTORNEY OR PARTY WITHOUT ATTORNEY IN CASE

 Recording requested by and return

T. Michael Reed, Esq.
CASEY, GERRY, REED & SCHENK
 110 Laurel Street
 San Diego, CA 92101

TELEPHONE #
(619)238-1811

FOR RECORDER'S USE ONLY

 ATTORNEY FOR JUDGMENT CREDITOR ASSIGNEE OF RECORDNAME OF COURT **SUPERIOR COURT OF CALIFORNIA**

STREET ADDRESS County of San Diego, Central Branch

MAILING ADDRESS 220 West Broadway

CITY AND ZIP CODE San Diego, CA 92101

BRANCH NAME:

PLAINTIFF: **BRADLEY PROULX**DEFENDANT: **SARA NEWSOME BURNS, et al.****ABSTRACT OF JUDGMENT**

CASE NUMBER:

711064

FOR COURT USE ONLY

1. The judgment creditor assignee of record applies for an abstract of judgment and represents the following:

a. Judgment debtor's

Name and last known address

Sara Newsome Burns
 4621 Kensington Drive
 San Diego, CA 92116

b. Driver's license No. and state:

c. Social Security No.: 354-56-0231

d. Summons or notice of entry of sister-state judgment was personally served or mailed to (name and address): *SEE ABOVE - PER R. BOND*
by AM

PER R. BOND
 Unknown
 Unknown

e. Additional judgment debtors are shown on reverse.

Date: November 4, 1998

T. MICHAEL REED

(TYPE OR PRINT NAME)

SIGNATURE OF APPLICANT OR ATTORNEY

2. a. I certify that the following is a true and correct abstract of the judgment entered in this action.

b. A certified copy of the judgment is attached.

3. Judgment creditor (name): Bradley Proulx

whose address appears on this form above the court's name.

4. Judgment debtor (full name as it appears in judgment):

SARA NEWSOME BURNS

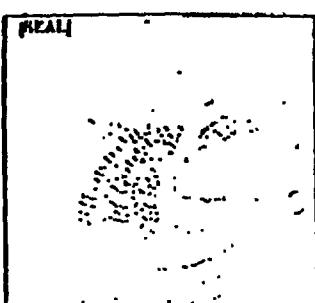
6. Total amount of judgment as entered or last renewed:

\$ 231,462.61

7. An execution attachment lien is endorsed on the judgment as follows:

a. Amount: \$

b. In favor of (name and address):



6. a. Judgment entered on (date): Oct. 30, 1998
 b. Renewal entered on (date):
 c. Renewal entered on (date):

This abstract issued on (date): NOV 06 1998

8. A stay of enforcement has

a. not been ordered by the court,b. been ordered by the court effective until (date):9. This judgment is an installment judgment.

Clerk, by *LISA ANN MCALISTER*, Deputy
 LISA ANN MCALISTER

Secretary of State
 P.O. Box 942835
 Sacramento, CA 94235-0001 REFERENCE CODE OF CIVIL PROCEDURE SECTIONS 697.51L, 697.550 AND 697.570

1. JUDGMENT DEBTOR (LAST NAME FIRST, IF AN INDIVIDUAL)

BURNS, SARA NEWSOME

1A. MAILING ADDRESS OF JUDGMENT DEBTOR 4621 KENSINGTON DRIVE	1B. CITY, STATE SAN DIEGO, CA	1C. ZIP CODE 92116
---	--------------------------------------	---------------------------

2. ADDITIONAL JUDGMENT DEBTOR (IF ANY) (LAST NAME FIRST, IF AN INDIVIDUAL)

2A. MAILING ADDRESS OF ADDITIONAL JUDGMENT DEBTOR	2B. CITY, STATE	2C. ZIP CODE
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3. JUDGMENT CREDITOR

BRADLEY PROULX, C/O SAMPSON & ASSOCIATES

NAME: 2139 FIRST AVENUE
 MAILING ADDRESS: SAN DIEGO STATE: CALIFORNIA

92101

CITY:

ZIP CODE:

4. ALL PROPERTY SUBJECT TO ENFORCEMENT OF A MONEY JUDGMENT AGAINST THE JUDGMENT DEBTOR TO WHICH A JUDGMENT LIEN ON PERSONAL PROPERTY MAY ATTACH UNDER SECTION 697.530 OF THE CODE OF CIVIL PROCEDURE IS SUBJECT TO THIS JUDGMENT LIEN.

A. Title of court where judgment was entered: SUPERIOR COURT OF CALIFORNIACOUNTY OF SAN DIEGOB. Title of the action: BRADLEY PROULX V. SARA NEWSOME BURNSC. Number of the action: 711064D. Date judgment was entered: OCTOBER 30, 1998

E. Dates of subsequent renewals of judgment (if any): _____ ; _____

F. Amount required to satisfy judgment at date of this notice: \$231,462.61G. Date of this notice: January 31, 1999

5. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

6. THIS SPACE FOR USE OF FILING OFFICER
(DATE, TIME OF FILING AND FILE NUMBER)Dated: January 31, 1999 (If not indicated, the date of declaration is the same as date in Item 4G)

SAMPSON & ASSOCIATES (ATTORNEY NO. 6)

BY: BRYAN D. SAMPSON, ESQ.

FOR: JUDGMENT CREDITOR

7. RETURN COPY TO

NAME BRYAN D. SAMPSON, ESQ.
 ADDRESS SAMPSON & ASSOCIATES
 CITY 2139 FIRST AVENUE
 STATE SAN DIEGO, CA 92101
 ZIP CODE

FILING FEE \$20.00

NOTICE OF JUDGMENT LIEN - FORM J-1 (7/63)
PREScribed BY THE SECRETARY OF STATE

EXHIBIT "3"

1

F. I. L. E. ✓
KENNETH E. MARTONE
Clerk of the Superior Court

2

DEC 16 1998

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By: M. HADEMAKER, Deputy

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SUPERIOR COURT OF THE STATE OF CALIFORNIA.
FOR THE COUNTY OF SAN DIEGO

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BRADLEY PROULX,) CASE NO. 711064

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Plaintiff and) TURNOVER ORDER IN AID OF

Judgment Creditor,) EXECUTION

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Plaintiff/Judgment Creditor BRADLEY PROULX's motion for a turnover order in aid of execution came for hearing before this Court on December 4, 1998 at 3:00 p.m. in Department 46 of the above-entitled court, Honorable Ronald S. Prager presiding. No appearances were made by counsel as the motion was set for telephonic ruling.

The Court, having considered Plaintiff and Judgment Creditor's motion for a

1 Turnover Order in Aid of Execution, the written submissions of the parties, and the files
2 and records of the case, and good cause having been shown therefore:

3 IT IS HEREBY ORDERED as follows:

4 1) Upon receipt of, or upon receiving control or possession of the following
5 described assets or any instrument representing or relating to those assets, the Defendant
6 and Judgment Debtor, SARA NEWSOME BURNS, and/or any person acting in concert
7 with her or under her direction or control, including her attorneys in the instant matter,
8 DAN LAWTON, ESQ., and RANDY GROSSMAN, ESQ., and her attorney in *United*
9 *States ex rel Newsome v. Family Practice Associates, et al.*, Civil Action No. 91-1325-E(P)
10 (United States District Court for the Southern District of California), JOHN J. APPEL, JR.,
11 ESQ., shall immediately endorse and turn over, or cause to be turned over to the Marshal
12 of San Diego County:
13
14 Any and all checks or funds received by SARA NEWSOME BURNS, DAN
15 LAWTON, ESQ., RANDY GROSSMAN, ESQ., or JOHN J. APPEL, JR., ESQ.,
16 which represent payment to MS. BURNS of fees due to her for her participation as
17 a relator in *United States ex rel Newsome v. Family Practice Associates, et al.*, Civil
18 Action No. 91-1325-E(P) (United States District Court for the Southern District of
19 California) and ordered paid to MS. BURNS pursuant to the Order on Stipulation
20 for Order Modifying Settlement Agreement, dated July 1, 1997, in *U.S. ex rel*
21 *Newsome v. Family Practice Associates, supra.*

22 2) Neither the Defendant and Judgment Debtor, SARA NEWSOME BURNS,
23 nor any person acting in concert with her or under her direction or control, including her
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1 attorneys in the instant matter, DAN LAWTON, ESQ., and RANDY GROSSMAN, ESQ.,
2 and her attorney in *United States ex rel Newsome v. Family Practice Associates, et al.*, Civil
3 Action No. 91-1325-E(P) (United States District Court for the Southern District of
4 California), JOHN J. APPEL, JR., ESQ., shall receive, deposit, conceal, remove, or
5 sequester the above-described funds, nor shall they obstruct, delay, prevent, or interfere in
6 any manner with the timely delivery of the above-described funds to the Marshal of San
7 Diego County.
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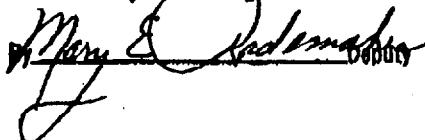
9
10 IT IS FURTHER ORDERED that this Order shall be personally served on the
11 judgment debtor, SARA NEWSOME BURNS, and her attorneys of record in the instant
12 matter, DAN LAWTON, ESQ., and RANDY GROSSMAN, ESQ., and her attorney in
13 *United States ex rel Newsome v. Family Practice Associates, et al., supra*, JOHN J. APPEL,
14 JR., ESQ.
15

16 **NOTICE IS HEREBY GIVEN THAT FAILURE BY THE JUDGMENT**
17 **DEBTOR, HER ABOVE-NAMED ATTORNEYS OF RECORD, OR ANY**
18 **PERSON ACTING ON HER BEHALF OR UNDER HER CONTROL, TO**
19 **COMPLY WITH THIS ORDER MAY SUBJECT SUCH PERSON TO**
20 **ARREST AND PUNISHMENT FOR CONTEMPT OF COURT.**
21

22
23 Dated: December 16, 1998.
24

25 The foregoing instrument is a full, true and correct
copy of the original on file in this office.

26 Attest: DEC 16 1998
27 KENNETH E. MARTONE
Clerk of the Superior Court of the State of California,
in and for the County of San Diego.



Ronald S. Prager

HONORABLE RONALD S. PRAGER
Judge of the Superior Court

EXHIBIT "4"

1 **SAMPSON & ASSOCIATES**
2 Bryan D. Sampson (#143143)
2 2139 First Avenue
2 San Diego, CA 92101
3 (619) 557-9420/Fax 557-9425

4 Attorneys for Lien Claimant BRADLEY PROULX

FILED

99 JAN 13 PM 2:08

CLERK'S OFFICE, CLARK COUNTY
SUPERIOR COURT OF NEVADA

5 BY:

6 DEPUTY

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

11 UNITED STATES OF AMERICA ex rel SARA) CASE NO. 91-1325-K(POR)
12 NEWSOME (BURNS),)
13 Plaintiffs,) NOTICE OF LIEN
14 v.)
15 FAMILY PRACTICE ASSOCIATES, et al.)
16 Defendants.)

ALL PARTIES IN THIS ACTION ARE NOTIFIED THAT:

A lien is created by this Notice under FRCP 69 and Article 5 (commencing with section 708.410) of Chapter 6 of Title 9 of Part 2 of the California Code of Civil Procedure. The lien is based on a money judgment. The right to attach order or the money judgment is entered in the following action: Superior Court of California, San Diego Branch, Bradley Proulx v. Sara Newsome Burns, et al. Date of Entry of Judgment was October 30, 1998.

The name and address of the judgment creditor or person who obtained the right to attach order are (specifically): Bradley Proulx, c/o Casey Gerry Reed & Schenk, 110 Laurel Street, San Diego, CA., 92101. The name and last known address of the judgment debtor or person whose property is subject to the right to

1 attach order are (specifically): Sara Newsome Burns, 4621 Kensington Drive, San
2 Diego, 92116. The amount required to satisfy the judgment creditor's money
3 judgment or to secure the amount to be secured by the attachment at the time this
4 notice of lien is filed is \$231,462.61.

5 The lien created by this notice attached to any cause of action of the person
6 named in item 5 that is the subject of this action or proceeding and to that person's
7 rights to money or property under any judgment subsequently procured in this
8 action or proceeding.

9 No compromise, dismissal, settlement or satisfaction of this action or
10 proceeding or any of the rights of the person named in item 5 to money or property
11 under any judgment procured in this action or proceeding may be entered into by
12 or on behalf of that person, and that person may not enforce any rights to money
13 or property under any judgment procured in this action or proceeding by a writ or
14 otherwise, unless one of the following requirements is satisfied:

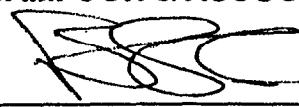
- 15 a. the prior approval by order of the court in this action or proceeding has been
16 obtained;
- 17 b. the written consent of the person named in item 4 has been obtained or that
18 person has released the lien; or
- 19 c. the money judgment of the person named in item 4 has been satisfied.

20 **NOTICE: The person named in item 5 may claim an exemption for all or**
21 **any portion of the money or property within 30 days after receiving notice of**
22 **the creation of the lien. the Exemption is waived if it is not claimed in time.**

23 DATED: 1-13-99

SAMPSON & ASSOCIATES

24 By:

25 
26 Bryan D. Sampson
27 Attorneys for Lien Claimant

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name and Address):

TELEPHONE NO.:

Bryan D. Sampson, Esq. (#14 ~ 3)
SAMPSON & ASSOCIATES
2139 First Avenue
San Diego, CA 92101

(619) 557-9420

fax (619) 557-9425

ATTORNEY FOR LIEN CLAIMANT: BRADLEY PROULX

NAME OF COURT:	UNITED STATES DISTRICT COURT
STREET ADDRESS:	880 Front Street, Ste. 4290
MAILING ADDRESS:	
CITY AND ZIP CODE:	San Diego, CA 92101-8900
BRANCH NAME:	SOUTHERN DISTRICT OF CALIFORNIA

PLAINTIFF: United States of America ex rel Sara Newsome (Burns)

DEFENDANT: Family Practice Associates, et al.

CASE NUMBER:

91-1325-K(POR)

NOTICE OF LIEN

(Attachment - Enforcement of Judgment)

ALL PARTIES IN THIS ACTION ARE NOTIFIED THAT

1. A lien is created by this notice under
 - a. Article 3 (commencing with section 491.410) of Chapter 11 of Title 6.5 of Part 2 of the Code of Civil Procedure.
 - b. Article 5 (commencing with section 708.410) of Chapter 6 of Title 9 of Part 2 of the Code of Civil Procedure.
2. The lien is based on a
 - a. right to attach order and an order permitting the creation of a lien (copies attached).
 - b. money judgment.
3. The right to attach order or the money judgment is entered in the following action:
 - a. Title of court (specify): SUPERIOR COURT OF CALIFORNIA, SAN DIEGO BRANCH
 - b. Name of case (specify): BRADLEY PROULX v. SARA NEWSOME BURNS, et al.
 - c. Number of case (specify): 711064
 - d. Date of entry of judgment (specify): October 30, 1998
 - e. Dates of renewal of judgment (specify):
4. The name and address of the judgment creditor or person who obtained the right to attach order are (specify):

BRADLEY PROULX, c/o Casey, Gerry, Reed & Schenk, 110 Laurel St., San Diego, CA 92101
5. The name and last known address of the judgment debtor or person whose property is subject to the right to attach order are (specify):

SARA NEWSOME BURNS, 4621 Kensington Drive, San Diego, CA 92116
6. The amount required to satisfy the judgment creditor's money judgment or to secure the amount to be secured by the attachment at the time this notice of lien is filed is

\$ 231,462.61
7. The lien created by this notice attaches to any cause of action of the person named in item 5 that is the subject of this action or proceeding and to that person's rights to money or property under any judgment subsequently procured in this action or proceeding.
8. No compromise, dismissal, settlement, or satisfaction of this action or proceeding or any of the rights of the person named in item 5 to money or property under any judgment procured in this action or proceeding may be entered into by or on behalf of that person, and that person may not enforce any rights to money or property under any judgment procured in this action or proceeding by a writ or otherwise, unless one of the following requirements is satisfied:
 - a. the prior approval by order of the court in this action or proceeding has been obtained;
 - b. the written consent of the person named in item 4 has been obtained or that person has released the lien; or
 - c. the money judgment of the person named in item 4 has been satisfied.

NOTICE The person named in item 5 may claim an exemption for all or any portion of the money or property within 30 days after receiving notice of the creation of the lien. The exemption is waived if it is not claimed in time.

Date: January 13, 1999

BRYAN D. SAMPSON, ESO.
(TYPE OR PRINT NAME)

(SIGNATURE OF LIEN CLAIMANT OR ATTORNEY)

1
2 E I L L E D
3 KENNETH E. MARTONE
Clerk of the Superior Court

4 OCT 30 1998
5 MC&P
6

7 SUPERIOR COURT OF THE STATE OF CALIFORNIA
8 FOR THE COUNTY OF SAN DIEGO

9
10 BRADLEY PROULX,) CASE NO. 711064
11 Plaintiff,) JUDGMENT
12 v.) The foregoing instrument is a full, true and correct
13 SARA NEWSOME BURNS,) copy of the original on file in this office.
14 Defendant.) Attest: JAN 13 1999
15 _____) KENNETH E. MARTONE
16 _____) Clerk of the Superior Court of the State of California,
17 _____) In and for the County of San Diego.

18 By Mary E. Quade Deputy
19 _____
20 _____
21 _____
22 _____
23 _____
24 _____
25 _____
26 _____
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28 _____

26 This cause came on for hearing on June 15, 1998, in
27 Department M-25 of the above-entitled court, the Honorable
28 Timothy W. Tower, Judge, presiding. Plaintiff appeared by his
attorney T. Michael Reed, and defendant appeared by her
attorneys David Tiffany and Randy Grossman.

26 Jury was waived. Witnesses on the part of both plaintiffs
27 and defendants were sworn and examined. After hearing the
28 evidence and the arguments of counsel, the court subsequently
rendered a Statement of Decision as follows: See Statement of
Decision attached as Exhibit 1.

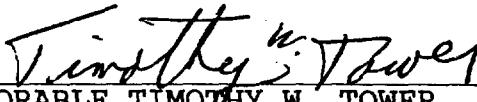
26 WHEREFORE, by virtue of law, and by reason of the premises
27 aforesaid, it is ordered, adjudged, and decreed that plaintiff

1 BRADLEY PROULX has and recovers from defendant the sums as
2 follows:

3 One-third of \$580,000.00 or \$193,333.33 to be paid pro rata
4 as the government pays defendant, plus \$22,267.50 together with
5 interest thereon from July 29, 1991 to the present at the rate
6 of 10% per annum, without compounding, in the amount of
7 \$15,861.78.

8 Interest, costs and disbursements are to be determined.

9 WITNESS, the Honorable Timothy W. Tower, Judge of this
10 Court, and my hand and seal of this Court, this 30th day of
11 ~~October~~
~~September~~, 1998.

12
13
14 
15 HONORABLE TIMOTHY W. TOWER
Sitting as Judge of the Superior
Court

16
17 Approved as to form:

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Attorneys for Defendant
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EXHIBIT "5"

Form 101

**UNITED STATES BANKRUPTCY COURT
FOR THE
N.DISTRICT OF CALIFORNIA**

4018
Voluntary Petitions
for Individuals
and Businesses

Name of Debtor (if individual, enter Last, First, Middle): Burns, Sara Newsome	Name of Joint Debtor (Spouse) (Last, First, Middle):
All Other Names used by the Debtor in the last 6 years (include married, maiden, and trade names): None	All Other Names used by the Joint Debtor in the last 6 years (include married, maiden, and trade names):
Soc. Sec./Tax I.D. No. (if more than one, state all): 354-56-0231	Soc. Sec./Tax I.D. No. (if more than one, state all):
Street Address of Debtor (No. & Street, City, State & Zip Code): 4621 Kensington Drive San Diego, CA 92116	Street Address of Joint Debtor (No. & Street, City, State & Zip Code):
County of Residence or of the Principal Place of Business: San Diego	County of Residence or of the Principal Place of Business:
Mailing Address of Debtor (if different from street address):	Mailing Address of Joint Debtor (if different from street address):

Location of Principal Assets of Business Debtor
(if different from street address above):

Attorney: L. Scott Keehn, 61691
ROBBINS & KEEHN, APC
530 "B" Street, Suite 2400
San Diego, California 92101 ph: 619-232-1700

Information Regarding the Debtor (Check the Applicable Boxes)

Venue (Check any applicable box)

- Debtor has been domiciled or has had a residence, principal place of business, or principal assets in this District for 180 days immediately preceding the date of this petition or for a longer part of such 180 days than in any other District.
 There is a bankruptcy case concerning debtor's affiliate, general partner, or partnership pending in this District.

Type of Debtor (Check all boxes that apply)

<input checked="" type="checkbox"/> Individual(s)	<input type="checkbox"/> Railroad
<input type="checkbox"/> Corporation	<input type="checkbox"/> Stockbroker
<input type="checkbox"/> Partnership	<input type="checkbox"/> Commodity Broker
<input type="checkbox"/> Other	

Chapter or Section of Bankruptcy Code Under Which the Petition is Filed (Check one box)

- Chapter 7 Chapter 11 Chapter 13
 Chapter 9 Chapter 12
 Sec. 304 - Case ancillary to foreign proceeding

Nature of Debts (Check one box)

- Consumer/Non-Business Business

Filing Fee (Check one box)

- Full Filing Fee attached
 Filing Fee to be paid in installments (Applicable to individuals only)
 Must attach signed application for the court's consideration certifying that the debtor is unable to pay fee except in installments. Rule 1006(b). See Official Form No. 3.

Statistical/Administrative Information (Estimates only)

- Debtor estimates that funds will be available for distribution to unsecured creditors.
 Debtor estimates that, after any exempt property is excluded and administrative expenses paid, there will be no funds available for distribution to unsecured creditors.

Case # 99-00812-JS
Year: 1999
Chapter: 13

Estimated Number of Creditors

1-15 16-49 50-99 100-199 200-399 400+

Date: 01/25/99 Time: 010:33 am
 Filed by: I TOTSEND
 : 00110032
 Amount: \$160.00

Estimated Assets

\$0 to \$50,000	\$50,001 to \$100,000	\$100,001 to \$300,000	\$300,001 to \$1 million	\$1 million to \$10 million	\$10 million to \$100 million	\$100 million to More than \$1 billion
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

ORDERED
U.S. Bankruptcy Court
Southern District of California

EXHIBIT "6"

SAMPSON & ASSOCIATES
Bryan D. Sampson (#143143)
2139 First Avenue
San Diego, CA 92101
(619) 557-9420/Fax (619) 557-

Attorneys for Creditor BRADLEY PROULX

619) 557-9425	<u>ENTERED</u>	JUL 22 1999
BRADLEY PROULX		<u>FILED</u>
		JUL 19 1999
CLERK, U.S. BANKRUPTCY COURT SOUTHERN DISTRICT OF CALIFORNIA BY <i>[Signature]</i> DEPUTY		
UNITED STATES BANKRUPTCY COURT		

JUL - 6 1999

SOUTHERN DISTRICT OF CALIFORNIA

In re: } CASE NO. 99-00811-B13

SARA NEWSOME BURNS. **ORDER DISMISSING CASE**

Debtor.

[View all posts by **John Doe**](#) [View all posts in **Category A**](#) [View all posts in **Category B**](#)

ORDER DISMISSING CASE

Date: 6/28/99

Time: 10:00 a.m.

Ctrm: 2

Creditor BRADLEY PROULX's objection to Debtor SARA NEWSOME BURNS

17 Chapter 13 petition under 11 U.S.C. §109(e) came before this court on the above date and

18 time upon evidentiary hearing, the Honorable Louise DeCard Adler, presiding. Creditor

19 BRADLEY PROULX appeared through his counsel, Bryan D. Sampson, Debtor SARA

20 NEWSOME BURNS appeared through her counsel, Scott Kheen. Upon reviewing the

21 pleadings filed by the parties, hearing oral argument and hearing evidence presented by

both parties, and ~~for the reasons set forth in that letter opinion below~~

THE COURT HEREBY FINDS that Debtor's non-contingent, liquidated, unsecured

24 debts total \$270,146.84. There
25 U.S.C. §109(c) and, therefore,

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1 IT IS HEREBY ORDERED that Creditor BRADLEY PROULX's objection to Debtor's
2 Chapter 13 petition is sustained and that Debtor SARA NEWSOME BURNS' Chapter 13
3 case is hereby dismissed.

4 **IT IS SO ORDERED.**

5
6 DATED: 19 July 99

7 
8 Judge, United States Bankruptcy Court

9 NOTICE: Signature by the attorney constitutes a certification under Federal Rule of
10 Bankruptcy Procedure 9011 that the relief provided by the Order is the relief
granted by the Court.

11 Submitted by:

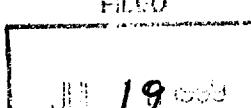
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13 Bryan D. Sampson

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27 In re: Sara Newsome Burns
Case No.: 99-00811-B13
28 Order Dismissing Case

EXHIBIT "7"

1 L. Scott Keehn (SBN 61691)
2 Lisa L. Keehn (SBN 167696)
ROBBINS & KEEHN
3 A Professional Corporation
4 530 "B" Street, Suite 2400
San Diego, California 92101
Telephone: (619) 232-1700

**Attorneys for Debtor
SARA NEWSOME BURNS**

ENTERED	<u>7-21-99</u>
FILED	
 JUL 19 1999	
CLERK, U.S. BANKRUPTCY COURT	
SOUTHERN DISTRICT OF CALIFORNIA	
BY	105
DEPUTY	

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF CALIFORNIA**

In re:

SARA NEWSOME BURNS, an individual,

Debtor.

21 Upon the Motion of SARA NEWSOME BURNS, the Chapter 13 debtor herein (the "Debtor")
22 for an order pursuant to Rule 8005 of the Federal Rules of Bankruptcy Procedure staying any order
23 dismissing these proceedings pending a final order on appeal, or alternatively, for an order granting
24 a temporary stay of any order dismissing these proceedings pending this Court's order on a regularly
25 noticed motion for a stay of the order dismissing these proceedings pending appeal, the Motion having
26 been personally served on all interested parties

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1 **IT IS HEREBY ORDERED** that:

2 1.0 The Motion is GRANTED; and

3 2.0 Without limiting the generality of the relief granted in paragraph 1.0 above, the Court
4 further and specifically orders that:

5 2.1 Any order dismissing these proceedings is stayed pending a final order on
6 appeal; or

7 2.2 Any order dismissing these proceedings is stayed temporarily pending an order
8 from this Court on a regularly noticed motion for a stay pending appeal.

9

10 Dated: _____

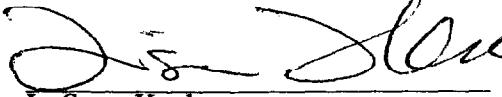
Judge, United States Bankruptcy Court

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12 Signature by the attorney constitutes a certification under Fed. R. Bankr. P. 9011 that the relief
13 provided by the order is the relief granted by the court.

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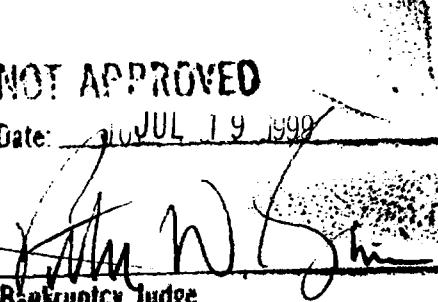
15 **ROBBINS & KEEHN**
16 A Professional Corporation

17 By: 

18 L. Scott Keehn
19 Lisa L. Keehn
20 Attorneys for Debtor
21 SARA NEWSOME BURNS

NOT APPROVED

Date: JUL 19 1990


Bankruptcy Judge

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IN RE SARA NEWSOME BURNS
CASE NO. 99-00811-B13
PROPOSED ORDER ON EMERGENCY MOTION
FOR STAY PENDING APPEAL ETC.

EXHIBIT "8"

UNITED STATES BANKRUPTCY APPELLATE PANEL
OF THE NINTH CIRCUIT

In re)	BAP No.	SC-99-1445
SARA NEWSOME BURNS,)	Bk. No.	99-00811-B13
Debtor.)		
<hr/>			
SARA NEWSOME BURNS,)		
Appellant,)		
v.)	ORDER	AUG 04 1992
BRADLEY PROULX; THOMAS H.)		
BILLINGSLEA, Jr., Chapter 13)		
Trustee,)		NANCY B. DICKERSON, CLERK
Appellees.)		U.S. BKCY. APP. PANEL
<hr/>			

Before: KLEIN and PERRIS, Bankruptcy Judges.

FILED

NANCY B. DICKERSON, CLERK
U.S. BKCY. APP. PANEL
OF THE NINTH CIRCUIT

Appellant's Motion for Stay Pending Appeal has been received and reviewed. The motion is hereby ORDERED DENIED.

1 L. Scott Keehn (SBN 61691)
Lisa L. Keehn (SBN 167696)
2 **ROBBINS & KEEHN**
A Professional Corporation
3 530 "B" Street, Suite 2400
San Diego, CA 92101
4 Telephone: (619) 232-1700
Facsimile: (619) 544-9095

**6 Attorneys for Appellant
SARA NEWSOME BURNS**

**UNITED STATES BANKRUPTCY APPELLATE PANEL
OF THE NINTH CIRCUIT**

10 In re:) BAP NO. SC-99-1445
11 SARA NEWSOME BURNS, an individual) BK. CASE NO. 99-00811-B13
12 Debtor.) APPEAL NO. 1
13 _____)
14 SARA NEWSOME BURNS,) NOTICE OF FILING OF BANKRUPTCY
15 Appellant,) COURT ORDER FROM WHICH APPEAL
16 v.) IS BEING TAKEN AND DESIGNATION
17 BRADLEY PROULX; CHAPTER 13) OF ADDITIONAL ITEM FOR RECORD
18 TRUSTEE,) ON APPEAL
19 Appellees.)
_____)

21 | TO: ALL PARTIES HEREIN AND THEIR COUNSEL OF RECORD:

22 //

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1 **PLEASE TAKE NOTICE THAT**, attached hereto, marked Exhibit A and incorporated herein
2 by this reference is a filed-stamped and executed copy of the "ORDER DISMISSING CASE" from
3 which the instant appeal is being taken (the "Order"). Appellant Sara Burns respectfully submits the
4 Order pursuant to Rule 6 of the Rules of the Bankruptcy Appellate Panel, and hereby designates the
5 Order as an additional item for the record on appeal.

6
7 DATED: 07/30/99

Respectfully submitted,

ROBBINS & KEEHN

A Professional Corporation

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11 By:

L. Scott Keehn
Lisa L. Keehn
Attorneys for Debtor/Appellant
SARA NEWSOME BURNS

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Bryan D. Sampson 557-9420 Phone
 SAMPSOON & ASSOCIATES 55 25 Fax
 2139 First Avenue
 San Diego, CA. 92101
 (SBN #143143)

UNITED STATES BANKRUPTCY COURT
 SOUTHERN DISTRICT OF CALIFORNIA
 325 West "F" Street, San Diego, California 92101-6991

a Re SARA NEWSOME BURNS

BANKRUPTCY NO. 99-0081-B13

Debtor.

NOTICE OF ENTRY

O THE PARTIES IN INTEREST NAMED BELOW:

You are hereby notified that on JUL 22 1999, this Court entered in the docket for the above-titled case the following Judgment [or Order], to wit:
 ORDER DISMISSING CASE

I hereby certify that a copy of this notice was mailed to the parties of interest on this date: [check as appropriate]

- UNITED STATES TRUSTEE, Department of Justice, 402 West Broadway, Suite 600, San Diego, CA 92101
- THOMAS H. BILLINGSLEY, JR., TRUSTEE, 530 "B" Street, Suite 1500, San Diego, CA 92101
 (For Chapter 13 cases numbered 90-08445 or lower and ODD numbers beginning with 92-01217)
- DAVID L. SKELTON, TRUSTEE, 620 "C" Street, Suite 413, San Diego, CA 92101-5312
 (For Chapter 13 cases numbered 90-08446 to 92-01215 and EVEN numbers beginning with 92-01216)
- Chapter 7 Trustee:

In addition: [Continue on reverse, if necessary]

L. Scott Keehn
 Robbins & Keehn
 530 "B" Street, Suite 2400
 San Diego, CA. 92101

ATTESTED: JUL 22 1999

Barry K. Lander, Clerk

By: Yvonne Robinson, Deputy Clerk

1190

EXHIBIT A

SAMPSON & ASSOCIATES
Bryan D. Sampson (#143143)
2139 First Avenue
San Diego, CA 92101
(619) 557-9420/Fax (619) 557-

Attorneys for Creditor BRADLEY PROULX

619) 557-9425	ENTERED	JUL 22 1999
BRADLEY PROULX		FILED
		JUL 19 1999
CLERK, U.S. BANKRUPTCY COURT SOUTHERN DISTRICT OF CALIFORNIA		
BY	DEPUTY	
UNITED STATES BANKRUPTCY COURT		

SOUTHERN DISTRICT OF CALIFORNIA

In re:) CASE NO. 99-00811-B13
SARA NEWSOME BURNS,) ORDER DISMISSING CASE
Debtor.) Date: 6/28/99
) Time: 10:00 a.m.
) Ctrm: 2
) Hon. Louise DeCarl Adler

16 Creditor BRADLEY PROULX's objection to Debtor SARA NEWSOME BURNS
17 Chapter 13 petition under 11 U.S.C. §109(e) came before this court on the above date and
18 time upon evidentiary hearing, the Honorable Louise DeCarl Adler, presiding. Creditor
19 BRADLEY PROULX appeared through his counsel, Bryan D. Sampson. Debtor SARA
20 NEWSOME BURNS appeared through her counsel, L. Scott Kheen. Upon reviewing the
21 pleadings filed by the parties, hearing oral argument and hearing evidence presented by
22 both parties, and ~~good cause appearing,~~ *for the reasons set forth in that letter opinion filed*
July 1, 1999,
23 THE COURT HEREBY FINDS that Debtor's non-contingent, liquidated, unsecured
24 debts total \$270,146.84. Therefore, Debtor does not qualify for Chapter 13 relief under 11
25 U.S.C. §109(e) and, therefore.

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C. V. LIBBY

1 IT IS HEREBY ORDERED that Creditor BRADLEY PROULX's objection to Debtor's
2 Chapter 13 petition is sustained and that Debtor SARA NEWSOME BURNS' Chapter 13
3 case is hereby dismissed.

4 **IT IS SO ORDERED.**

5
6 DATED: 19 July 99

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8 Judge, United States Bankruptcy Court

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11 granted by the Court.

12 Submitted by:

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Bryan D. Sampson

In re: Sara Newsome Burns
Case No.: 99-00811-B13
Order Dismissing Case